MONTANA LEGISLATIVE HISTORY

Chapter 349 19 73

Bill H 275 S _____ Original bill & history ___C

H. Committee on Local Gov.			S. Committee on Local Gov		
Hearing Date(s)	1-24	✓C	Hearing Date(s)	2-26	✓C
	1-26	✓C		2-27	✓C
	1-29	✓C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

January 24, 1973
Proceedings of the
Local Government Committee

The meeting was called to order by Chairman Kosena at 8:00. The secretary called roll. Absent were Representatives Cox, Jacobsen and Lockrem.

HOUSE BILL 271: Chief sponsor was Representative Healy. Proponents were Art Horn and Dave Fisher, both from the Montana Volunteer Fireman's Association. There were no opponents. The committee voted a unanimous do pass.

HOUSE BILL 275: The bill had already been discussed so the committee just voted on it. They gave the bill a unanimous do pass as amended.

HOUSE BILL 235: Chief sponsor was Represenative Barrett. Proponents were Leon Zinnicker, Montana Association of County Commissioners, Ed Shubat, Cascade County, Roy Bulger, Sheriffs and Peace Officers Association, and Jean Anderson, League of Women Voters. There were no opponents. The committee gave the bill a unanimous do pass.

HOUSE JOINT RESOLUTION 14: Chief Sponsor was Representative Turman. Proponent was Dan Mizner, League of City and Towns. There were no opponents. In Executive Session the committee decided to pass the bill for the day.

HOUSE BILL 156: Chief sponsor was Representative Swanberg. The committee had already had testimonies so they just voted on the bill. They voted a do pass with Representatives Smith, Jones and Marks voting no.

With no further business to take care of the committee adjourned.

Albert E. Kosena
ALBERT E. KOSENA, CHAIRMAN

Laurie Darragh
Laurie Darragh, secretary

January 26, 1973
Proceedings of the
Local Government Committee

The meeting was called to order at 8:00 by Chairman Kosena. The secretary called roll: Absent was Representative Cox.

HOUSE BILL 193: Chief sponsor was Representative Fagg. Proponents were Harold Fyslie, City of Bozeman, Dan Mizner, League of City and Towns, Walter Anderson, City of Helena, and Polly Prchal. There were no opponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 164: Chief sponsor was Representative McKittrick. The proponents were Dale Shaalure, and Dean Zinnicker, Montana Association of County Commissioners. There were no opponents. The committee gave the bill a unanimous do pass as amended.

HOUSE BILL 213: Chief sponsor was Representative Turman. The committee at the request of Representative Turman passed action on this bill.

HOUSE BILL 196: Chief sponsor was Representative Turman. Proponents were John St. Jermaine, Cascade County, Dale Shaalure and Dean Zinnicker, Montana Association of County Commissioners. There were no opponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 324: Chief sponsor was Representative Zimmer. Proponents were Dave Fisher, Montana State Fireman's Assoication and R.A.E., Montana State Volunteer Fireman's Association. There were no opponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 236: Chief sponsor was Representative Lucas. There were no opponents of proponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 149: Chief sponsor was Robert Harper. The committee at the request of Representative Harper passed action on the bill for the day.

HOUSE BILL 275: Chief sponsor was Representative Flynn. Proponents were Bill Cunningham, A.G. Slattery, Montana Conservation District and Peter Jackson, Madison Conservation District. There were no opponents. The committee decided in executive session to pass the bill for the day.

JANUARY 29, 1973
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 8:00 by Chairman Kosena. The secretary called roll. Absent was Lloyd Lockrem.

HOUSE BILL 342: Chief sponsor was Representative Fagg. Proponent was Don Garrity. Opponents were Don Kinney, Professional Planners and Dan Mizner, League of City and Towns. The committee decided to pass the bill and put it in a subcommittee. The subcommittee will be Representatives Kimble, Turman and Jacobsen.

HOUSE BILL 334: Chief sponsor was Representative Lien. Proponent was Dean Zinnicker, Montana Association of County Commissioners. There were no opponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 337: Chief sponsor was Representative Glennen. Proponents were Norman Patterson, Chief of Police Association, Wayne Jacobson, Montana Police Officers Association. Gilbert Hansen, Chief of Police in Missoula, Dick Stotts, Kalispell police, Jack Williams, Chief of Police in Helena. Opponent wer Dan Mizner, League of City and Towns. The committee gave the bill a unanimous do pass as amended.

HOUSE BILL 401: Chief sponsor was Representative Glennen. Proponents were Norman Patterson, Chief of Police Association, Wayne Jacobsen, Montana Police Officers Association, Gilbert Hansen, Chief of Police in MIssoula, Dick Stotts, Kalispell Police, Jack Williams, Chief of Police in Helena. There were no opponents. The committee voted on passing the bill for the day with Representative Mahrens voting no.

HOUSE BILL 362: Chief sponsor was Representative Marks. Proponents were Art Korn, Secretary-Treasurer Fireman's Association. Dave Fisher, Fireman's Association. There were no opponents. THe committee gave the bill a unanimous do pass.

HOUSE BILL 275: Chief sponsor was Representative Flynn. Proponents were Peter Jackson. Opponents were Hal Price, Development program and Don Kinney, Professional Planners. The committee gave the bill a unanimous do pass as amended.

HOUSE BILL 323: Chief Sponsor was Representative Lee. Proponents were Wayne Jacobsen, Montana Police Protection Association, Gilbert Hansen, Chief of Police in Missoula, Dan Mizner, League of City and Towns, Dick Stotts, Kalispell Chief of Police. There were no opponents. The committee decided to pass the bill for the day.

With no further action the meeting was adjourned.

Laurie Darragh, secretary

ALBERT KOSENA, CHAIRMAN

NAME Bill Cunningham BILL No. 275

ADDRESS DNR&C DATE

WHOM DO YOU REPRESENT? DNR&C

SUPPORT? X OPPOSE? AMEND? 2 members

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Peter Jacobson BILL No. 275

ADDRESS Habasco Mt DATE 1-24-73

WHOM DO YOU REPRESENT? Madison Connecta Dist

SUPPORT? Yes OPPOSE?_____ AMEND?_____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Jim Flynn BILL No. 275

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? House of Representatives Dist 24

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

235-256

NAME Lisa Jacobs BILL NO. 235

ADDRESS 1802 16th St. DATE

Helena

WHOM DO YOU REPRESENT? Mt Council of Co Comm

SUPPORT? _____ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME A.W. Slatten BILL NO. HB 275

ADDRESS Hardin Mont DATE 21 Jan

WHOM DO YOU REPRESENT? Montana Grass Conservation Dist.

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Peter Jackson BILL NO. 275

ADDRESS Harrison Mont DATE 1-26-13

WHOM DO YOU REPRESENT? Madison Conservation Dist

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ARGUMENT IN SUPPORT OF HB 275 - LOCAL GOVERNMENT COMMITTEE

HB 275 has been criticized because of the certification requirements for area planning organizations imposed by the Environmental Protection Agency and the Department of Housing and Urban Development. These requirements include a provision that two-thirds of the voting membership on the local planning board be elected officials in order to qualify for federal wastewater facilities grants. According to a regional HUD directive "elected official" means a mayor, city councilman or county commissioner thereby excluding an elected conservation district supervisor from the definition. Therefore, if a county wishes to be eligible for federal wastewater facilities grants and if HB 275 were to pass, the district member would have to be part of the remaining one-third of the voting membership of the planning board. In view of the above federal membership requirements that would, in essence, result in a strong urban representation it seems all the more important to insure that the conservation or grazing district is represented in the county planning board.

The argument was previously made before this committee two days ago that the composition of the planning board should not be legislated. However, it seems ironic that the above argument against HB 275 in terms of APO certification implies that we allow the federal government to determine two-thirds of the composition of local planning boards. Surely it is not unreasonable to ask that the state determine a portion of the remaining one-third membership.

We are aware of the problems of APO certification and of the importance of obtaining federal wastewater facilities grants. If HB 275 has the indirect effect of making planning boards larger this is a cost that is more than offset by concrete benefits. The jurisdiction and planning objectives of both the district and the county planning board overlap and in some cases are nearly synonymous. Economy in planning, local involvement and better use of natural resource data will result by a formal link-up between the district and the county planning board. HB 275 will insure continuity of district - planning board coordination and statewide uniformity.

STATEMENT OF NEED FOR "AN ACT TO ADD THE DEFINITION OF DISTRICT TO SECTION 11-3803 AND TO AMEND SECTION 11-3810 (2), R.C.M. 1947, TO REQUIRE MEMBERSHIP OF DISTRICT BOARD MEMBERS ON EACH COUNTY PLANNING BOARD".

Conservation and grazing districts have been involved in land use planning for a long time. Most of the district's work concerns basic soil, water and vegetation inventory which is then interpreted for planning.

The District Supervisors in varying degrees, are personally experiencing land use problems as many of the cooperator's lands are located in the transition zone. One cannot arbitarily separate agricultural use from other land uses because of the interrelationships involved - in many parts of the state agricultural land located in fertile river bottoms is being subjected to the most severe pressures because of proximity to water, aesthetic considerations, recreation potential and so on. These impacts include subdivisions, landowners - sportsmen problems relating to access, vandalism etc., commercial recreational developments and so on.

The districts thus have a vested interest in local planning because of:

1. personal involvement with land use problems
2. legal authority (limited)
3. long-time experience in the natural resource aspect of planning.
4. <u>desire</u> to make planning efforts more comprehensive.

We believe that the districts and planning boards should become aware of complimentary planning activities within their jurisdiction so that they may better advise the county commissioners. If planning is to be a success the decision-making authority must capitalize upon all resources available including the efforts of the districts.

The requirement for district representation on each county planning board will establish a sound approach for local planning. Unfortunately, many planning boards have already been appointed without district members.

Participation by the districts will provide several benefits:

1. economy in the planning process - data collection
2. better use of natural resource information in planning
3. better identification with planning by local people

1973 Senate

FINAL STATUS OF BILLS, CONTINUED:

164	LYNCH	FOUR YEAR TERMS FOR AUDITORS	CONCURRED IN	SIGNED BY GOVERNOR
193	FAGG	SELF-LIQUIDATION OF COSTS ON URBAN RENEWAL PROJECTS	CONCURRED IN	SENATE
196	TURMAN	PERMIT COUNTY COMMISSIONERS TO HIRE ASSISTANTS	CONCURRED IN	
199	LUCAS	CONSOLIDATE POLICE & SHERIFF DEPARTMENTS	CONCURRED IN	
235	BARRETT	PROVIDE COMMON JAILS AMONG COUNTIES	CONCURRED IN	SIGNED BY GOVERNOR
236	LUCAS	FIRE PROTECTION IN UNINCORPORATED AREAS	CONCURRED IN	GOVERNOR'S OFFICE
246	BRAND	DISPOSITION OF CONTRIBUTIONS MADE TO FIRE DEPARTMENT RELIEF ASSOCIATION	CONCURRED IN	
256	YARDLEY	ESTABLISH SALARIES OF COUNTY COMMISSIONERS BY RESOLUTION; HILE .12	AMENDED, AND CONCURRED IN	
257	YARDLEY	PROVIDES FOR RECALL OF COUNTY COMMISSIONERS	CONCURRED IN	INDEFINITELY POSTPONED GOVERNOR
271	HEALY	RURAL FIRE CHIEF CAN BE ANY REGULAR OFFICER OF THE COUNTY	CONCURRED IN	
275	FLYNN	REQUIRE MEMBERSHIP OF DISTRICT BOARD MEMBERS ON EACH PLANNING BOARD	AMENDED, AND CONCURRED IN	
296	MCKITTRICK	INCREASE IN THE MINIMUM WAGE	CONCURRED IN	
297	BARDANOUVE	INVEST POLICE RETIREMENT FUND MONEY IN SAVINGS & LOAN ASSOCIATIONS	HELD OVER UNTIL 1974	
299	BARDANOUVE	FIRE DEPARTMENT INVESTMENTS - SAME AS ABOVE	HELD OVER UNTIL 1974	
304	LAINES	PERMIT COUNTIES TO CONTRACT WITH PRINTING ESTABLISHMENTS	AMENDED, AND CONCURRED IN	
324	ZIMMER	PAY $50 MONTHLY INSTEAD OF $25 TO VOLUNTEER FIREMEN	BE NOT CONCURRED IN	KILLED IN SENATE
334	LIEN	CLARIFY LIMIT OF INDEBTEDNESS COUNTY CAN INCUR	CONCURRED IN	
362	MARKS	AMEND VOLUNTEER FIREMEN'S PENSION PLAN	AMENDED, AND CONCURRED IN	SIGNED BY GOVERNOR
392	LYNCH	RECONVEY TO BUTTE CERTAIN LAND IN BUTTE	CONCURRED IN	
409	SCHYE	APPROVE TRANSFERRED AND NEW LIQUOR LICENSES	AMENDED, AND CONCURRED IN	
422	SHELDON	ALLOW CITY OR TOWN EXTENSION OF APPLICATION OF ZONING OR SUBDIVISION REGULATIONS BEYOND CORPORATE LIMITS	CONCURRED IN	

SENATE COMMITTEE

ON

LOCAL GOVERNMENT

MINUTES
18TH MEETING
FEB. 26, 1973

This Monday meeting of the Local Government Committee was called to order by Chairman Thiessen at 11:00 A.M.

Roll call was taken. Quorum present. ROLL CALL

HOUSE BILL 275 - introduced by Rep. Jim Flynn, District 21, requires membership of district board members on each county planning board. HB 275

Paul Kieffner, Supervisor for the Lewis & Clark County Soil & Water Conservation District, said that he felt a member of the soil conservation district should definitely serve on this committee. TESTIMONY

Also testifying in support were: Bill Cunningham, Montana Assn. of Conservation Districts who advised that this bill would insure that both planning organizations were working together on a cooperative basis; Ole Lleland, Montana Assn. of Conservation Districts; Dean Zinnecker, Montana Assn. of County Commissioners, testified as an opponent saying he had no objection to districts being represented on the board, but he didn't think it should be handled by the legislature, but by local government.

Chairman Thiessen advised that Senator Harrison would work out amendments to HB 275 and report back to the committee tomorrow.

HOUSE BILL 156 - introduced by Rep. Swanberg deals with the all-purpose mill levy being increased by 6 mills (3 for police, 3 for firemen). HB 156

Dan Mizner, League of Cities and Towns, testified that this bill is for cities and towns that do not use all the permissive mill levy; has nothing to do with the operation of the city.

There were no opponents.

Senator Bertsche moved the bill BE CONCURRED IN; seconded by Senator James.

HOUSE BILL 153 - introduced by Rep. Pat McKittrick this bill provides for a minimum wage increase for firemen. The bill was reduced in the House Committee from $750. to $600. Mr. McKittrick noted that police and firemen were professionals and should be paid accordingly. HB 153

STATEMENT OF NEED FOR "AN ACT TO ADD THE DEFINITION OF DISTRICT TO SECTION 11-3803 AND TO AMEND SECTION 11-3810 (2), R.C.M. 1947, TO REQUIRE MEMBERSHIP OF DISTRICT BOARD MEMBERS ON EACH COUNTY PLANNING BOARD". HB 275

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SENATE LOCAL GOVT COMMITTEE

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PERSONAL COMMENTS
BY W. P. CUNNINGHAM

William P. Cunningham

Testifying in support were: Milo Dean, Board of Co. Commissioners; Ralph Armstrong, Montana Assn. of Co. Commissioners; Ed Shubat, Cascade Co.; Wes Sterns, Sanders Co.. There were no opponents. TESTIMONY

Senators Harrison and McOmber were appointed to work out amendments to the bill and will report back to the Committee at the next meeting.

HOUSE BILL 236 - introduced by Representative Jim Lucas was discussed at a previous meeting. The bill provides for organization and administering fire protection in unincorporated areas. After some discussion, Senator Bertsche moved the bill BE NOT CONCURRED IN; seconded by Senator Hall. Senators Hall and Bertsche voted for the motion. Senators Klindt, James, Aber, Harrison and Thiessen voted no. The motion was defeated. HB 236
Senator Klindt then moved the bill BE CONCURRED IN; seconded by Senator James. Senators Hall and Bertsche voted no. The motion carried.

HOUSE BILL 275 - Senator Harrison presented the amendments to this bill that had been discussed at a previous meeting. The bill requires membership of district board members on each county planning board. HB 275

Senator Harrison moved the amendments BE CONCURRED IN: seconded by Senator Klindt. The vote was unanimous.

Senator Bertsche moved the bill, as amended, BE CONCURRED IN; seconded by Senator Northey. The vote was unanimous.

HOUSE BILL 304 - permits counties to contract with printing establishments for county printing. HB 304
Senator James presented the report of the sub-committee and the proposed amendments to the committee. A copy of the amendments are included with these minutes.

TESTIMONY

Bob Miller, Montana Press Assn, testified in support of the measure.

Senator Harrison moved the amendments BE CONCURRED IN; seconded by Senator Klindt. The vote carried; Senator Goodheart voted no.

Senator Harrison moved the bill, as amended, BE CONCURRED IN; Senator Klindt seconded the motion. Senator Goodheart voted no. The motion carried.

SENATE COMMITTEE LOCAL GOVERNMENT

Date Feb. 27, 1973 Bill No. HB 275 Time 12:45 p.m.

NAME	YES	NO
Cornie Thiessen, Chairman	X	
B.J. (Swede) Goodheart	X	
Bill Gerstche	X	
Mrs. Scots Hall	X	
David James	X	
Gordon McOmber	X	
Larry Aber	X	
Tom Harrison	X	
Herb Klindt	X	
Harry Northey	X	
Pete Story	X	

Vondene Zander
Secretary

Cornie R. Thiessen
Chairman

Motion: Motion that amendments proposed by Senator Harrison BE CONCURRED IN.

AGRICULTURE, LOCAL GOVERNMENT

Date Feb. 27, 1973 Bill No. HB 275 Time 12:45 p.m.

NAME	YES	NO
Cornie Thiessen, Chairman	X	
B.J. (Swede) Goodheart	X	
Bill Bertsche	X	
Mrs. Boots Hall	X	
David James	X	
Gordon McOmber	X	
Larry Tveit	X	
Tom Harrison	X	
Mark Flynn	X	
Harry Northey	X	
Pete Story	X	

Vondene Zander
Secretary

Cornie K. Thiessen
Chairman

Motion: House Bill 275 BE CONCURRED IN, AS AMENDED

suspend the execution of the sentence up to the maximum sentence allowed for the particular offense. The court may impose any reasonable conditions or restrictions on the sentence which it deems necessary. If alcohol or other drugs are involved the court may impose such rehabilitative measures as it deems advisable under the circumstances.

(d) The determination and imposition of sentence shall be the exclusive duty of the court."

Approved: March 17, 1973.

CHAPTER NO. 349

An Act to Add the Definition of District to Section 11-3803 and to Amend Section 11-3810 (2), R.C.M. 1947, to Require Membership of District Board Members on Each County Planning Board, and Providing Residency Requirements for a City-County Planning Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-3803, R.C.M. 1947, is amended to read as follows:

"11-3803. **Definitions.** As used in this act:

1. "City" includes incorporated cities and towns.

2. "City council" means the chief legislative body of a city or incorporated town.

3. "Planning board" means a city planning board or a joint city-county planning board.

4. "Master plan" means a comprehensive development plan or any of its parts such as a plan of land use and zoning, of thoroughfares, or sanitation, of recreation, and other related matters. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.

5. "Public place" means any tract owned by the state or its subdivisions.

6. "Mayor" means mayor of a city.

7. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.

8. "Units of government" means any federal, state, regional, county, city or town.

9. "Utility" means any facility used in rendering service which the public has a right to demand.

10. "Person" means individual firm, or corporation.

11. "Governing body or governing bodies" means the governing body of any governmental unit represented on a planning board.

12. "Plat" means a subdivision of land into lots, streets and areas, marked upon the earth and represented on paper; and includes re-plats or amended plats.

Section 2. Section 11-3810, R.C.M. 1947, is amended to read as follows:

"11-3810. **County planning boards and city-county planning boards—members—term of officer members and citizen members.** 1. A city-county planning board shall consist of not less than nine (9) members to be appointed as follows:

a. Two (2) official members *who reside outside the city limits* to be appointed by the board of county commissioners who may in the discretion of the board of county commissioners be employed by or hold public office in the county.

b. Two (2) official members to be appointed by the city council who may in the discretion of the city council be employed by or hold public office in the city.

c. Two (2) citizen members to be appointed by the mayor of the city.

d. Two (2) citizen members to be appointed by the board of county commissioners. The two (2) members *shall* reside outside the city limits but within the jurisdictional area of the planning board.

e. The ninth member shall be selected by the eight (8) officers and citizen members hereinabove provided for with the consent and approval of the board of county commissioners and the city council.

2. County planning boards shall consist of not less than five (5) members appointed by the board of county commissioners. *At least one (1) member of any county planning board existing at or formed after July 1, 1973, shall be a member of the governing board of a conservation district as provided for in section 76-105 or a state cooperative grazing district, if officers of either reside in said county.*

In the event that any city or town subsequently becomes

represented on the county planning board pursuant to section 11-3815, additional members of the planning board representing such cities or towns shall be appointed by the respective city councils.

3. The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed; the terms of the other members shall be two (2) years, except that the terms of the first members appointed shall be fixed by agreement and rule of the governing bodies represented on the board for one (1) or two (2) years in order that a minimum number of terms shall expire in any year."

Approved: March 17, 1973.

CHAPTER NO. 350

An Act Providing That Foster or Boarding Homes or Community Residential Facilities Serving Eight (8) or Fewer Specified Handicapped Persons Be Considered as a Residential use of Property; be Permitted to use all Residential Zones; and to Permit Cities and Counties to Require a Conditional use Permit to Maintain Such Homes in Residential Zones.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. "Community residential facility" means a group, foster, or other home specifically provided as a place of residence for developmentally disabled or handicapped persons who do not require nursing care.

Section 2. A foster or boarding home operated under the provision of sections 10-520 through 10-523, or community residential facility and serving eight (8) or fewer developmentally disabled or otherwise handicapped persons, is considered a residential use of property for purposes of zoning if the home provides care on a twenty-four (24) hour a day basis.

The homes are a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions of this paragraph; provided such home is licensed by the department of health and environmental sciences.

Approved: March 17, 1973.

CHAPTER NO. 351

An Act Amending Section 82-1209, R.C.M. 1947, to Require the State Fire Marshal to Investigate the Exact Cause and Circumstances of Fires Damaging or Destroying Property; to Require Insurance Companies to Notify the Fire Marshal of the Cause and Circumstances of Certain Fires; and Requiring Officials Responsible for Fire Investigations to File Loss Incident Reports on Each Fire.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 82-1209, R.C.M. 1947, is amended to read as follows:

"82-1209. **Investigation of fires.** (1) The cause, origin, and circumstances of each fire, by which property has been destroyed or damaged, shall be investigated to determine *the exact cause and circumstances.* The state fire marshal may superintend and direct the investigation if he deems it necessary.

(2) If the fire occurs within a municipality or organized fire district, the chief of the fire department shall make the investigation. If the fire occurs outside a municipality or organized fire district, the county sheriff shall make the investigation. If it appears that the fire was of suspicious origin, or if there was a loss of human life, the official responsible for the investigation shall notify the state fire marshal within twenty-four (24) hours, and shall file a written report of the cause with the state fire marshal within ten (10) days.

(3) *If the property was insured,* as soon as any adjustment has been made, a person representing the insurance company shall notify the *state fire marshal* of the amount of adjustment and the apparent cause and circumstances of the fire *on forms furnished by the state fire marshal.*

(4) Each official responsible for investigating fires shall file a fire *incident* report *on each and every fire* with the state fire marshal. Reports shall be on forms, and shall contain information, prescribed by the state fire marshal. *These reports shall be sent to the state fire marshal on a weekly basis."*

Approved: March 17, 1973.

CHAPTER NO. 352

An Act to Repeal Section 69-1910, R.C.M. 1947, Pertaining to Licensing of Explosive Magazines; to Repeal Section 69-1911,